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Martin Mador, Legislative Chair*

Commerce Committee  
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**Testimony In Opposition to  
SB 1020 AAC Water Resources And Economic Development  
SB 1019 AA Expediting The State Permitting Process**

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I am also a director of Rivers Alliance and of the Quinnipiac River Watershed Association. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

**SB1020**

An appropriately crafted bill will elicit testimony on the merits of the bill. Does the bill accomplish its purpose? Would it be effective? How could it be improved? Are there flaws which need remedy?

SB1020, raised by this Committee, requires commentary, not on such details of the bill, but on the underlying purpose of the bill, and the conclusions to be drawn about it's introduction.

I have testified in public hearing on over 200 bills in the few years I have served as the volunteer Sierra Club legislative chair. It is necessary for me to say that SB1020 is the most destructive bill I have ever encountered. It would dismantle a six year ongoing regulation drafting process launched by a bill passed unanimously in both chambers, and replace it with a new process which would be proscribed from providing any environmental protection whatsoever. If a legislative goal is balance, there is none to be found here.

I have repeatedly and consistently said that a healthy environment and a strong economy go hand in hand. A thriving economy is an environmentalist's best friend. Clear and appropriate environmental regulation does not impede economy performance and growth. On the contrary, it provides a set of clear rules for all businesses. It provides a level playing field for all. It encourages consideration of the cost of pollution. Case studies abound of the savings businesses have found through implementing good environmental policies. DEEP Commissioner-designee Esty's book Green to Gold is replete with examples. It leads to a high quality of life, and creation of a desirable place to live, work, and prosper. It encourages respect and stewardship for natural resources, so necessary to this quality of life. Destruction of the environment in return for some slight economic benefit is not a good trade.

The environmental advocates have on many occasions reached out to work with the business community to craft mutually beneficial policies. The regulatory bill passed last session (HB 5208, PA 10-158) is a good example. It was negotiated with all stakeholders in the room, and ultimately accepted by all.

SB1020 does not present such an opportunity. We see it as a bad faith effort to undermine an ongoing, legitimate, process. The language of the bill would vitiate the whole concept of streamflow protection.

PA 05-142 was passed unanimously in both the House and Senate six years ago. It directed the DEP to craft regulations which would leave just enough water in a stream to keep it alive. DEP convened several working groups, and spent the next five years writing the regs. All stakeholders were in the room during the process; no one was left out. DEP held a public hearing on their draft, received almost 400 written comments, and revised the draft. The regulations were then submitted to the Regulations Review Committee, which asked for changes (i.e. rejected without prejudice). DEP is now working on yet another revision. This is an ongoing process, conducted strictly according to the rules and within the boundaries of the underlying act. The Department of Public Health, which is responsible for public drinking water supplies and consideration of safe yield, accepted the regs.

SB1020 would, in effect, require the DEP to throw out the regulations already under consideration by Regs Review, and start over with a new set of guidelines. The bill doesn't say that explicitly, but this would be the only way to conform to the new law.

The bill language requires that the regs cannot interfere with "the economic development needs of the state". Read on its face, the bill requires that regs must anticipate any and all future economic activity, and ensure that there could be no impact whatsoever.

The bill provides that compliance cannot be required "which is not technically feasible or financially viable". These phrases are so vague and undefined that they guarantee the involvement of the Courts.

Connecticut has plenty of water-about 45 inches of rainfall annually. We just need to manage it well. We certainly need a statewide water management plan, which does not currently exist. To create public policy which sanctions withdrawals to the point of river death is both simply unnecessary, and a guarantee of the destruction of this most valuable public natural resource.

SB1020, in its failure to propose any balance whatsoever, is not a concept which can create appropriate public policy by tweaks here and there. **A vote for this bill, in the view of the Sierra Club, would show an absence of any environmental ethic, and would demonstrate a complete and unquestionably unnecessary abandonment of any concern for the environment.**

Let's allow the ongoing regulatory generation process to continue to completion. Vote against this bill.

#### **SB1019**

This bill creates a 45 day window for DEP response to permit applications, after which the permit would be automatically approved. DEP has convincingly shown that needs far more resources to process applications even by the current 180 day deadline. Passage of SB1019 would essentially dismantle the permitting process, leaving us exposed to extensive land, air, and water pollution. An environmental disaster would likely result.